

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIRGINIA PELLEGRINI, Trustee of the Mario J. and Virginia E. Pellegrini Trust, and VIRGINIA PELLEGRINI, an individual, Plaintiff, vs. TECHNICHEM, INC., a California corporation, MARK J. NG, an individual; STEPHEN S. TUNG, an individual, Defendants.

CASE NO. 07-CV-02497-CRB
[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO DISMISS FRAUD CLAIMS AND STRIKE PUNITIVE DAMAGES
Hearing Date: July 11, 2008
Hearing Time: 10:00 a.m.
Courtroom: 8, 19th Floor
Judge: Charles R. Breyer
Complaint filed: May 9, 2007
Trial Date: October 6, 2008

The Court has heard the motion brought by defendants Technichem, Inc., Mark J. Ng, and Stephen S. Tung to dismiss the Eighteenth Cause of Action for Fraud/Constructive Fraud for failure to plead fraud with particularity pursuant to Rule 9(b) of the Federal Rules of Civil Procedure and to strike any related requests for punitive damages pursuant to Rule 12(f) of the Federal Rules of Civil Procedure.

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ORDER

For good cause shown,

IT IS HEREBY ORDERED that the Eighteenth Cause of Action for Fraud/Constructive Fraud in the operative complaint is dismissed with prejudice.

IT IS FURTHER ORDERED that any related requests for punitive damages are stricken from the operative complaint.

IT IS SO ORDERED.

Dated: _____

Hon. Charles R. Breyer

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